

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ADVANTAGE HEALTHCARE, LTD.,

Plaintiff,

v.

DNA DIAGNOSTICS CENTER, INC.,

Defendants.

Case No. 17-cv-09001

Hon. Judge Sharon Coleman

Hon Magistrate Judge Sheila Finnegan

**DEFENDANT’S MOTION FOR SUMMARY JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 56**

NOW COMES Defendant, DNA DIAGNOSTICS CENTER, INC., by and through its attorneys, and respectfully moves this Court for summary judgment in its favor on Plaintiff’s individual claims pursuant to Federal Rule of Civil Procedure 56. In support of its Motion for Summary Judgment, Defendant submits herewith its Local Rule 56.1(a)(3) Statement of Material Undisputed Facts and its Local Rule 56.1(a)(2) Memorandum of Law.

WHEREFORE, Defendant DNA DIAGNOSTICS CENTER, INC. respectfully requests that this Court enter an Order granting summary judgment in its favor on Plaintiff’s individual claims on the basis that The Faxes were sent with Plaintiff’s prior express permission. In the alternative, if this Court does not find that The Faxes were sent with Plaintiff’s prior express permission, Defendant requests that this Court enter an Order granting summary judgment in its favor on Plaintiff’s individual claims on the basis that The Faxes were sent pursuant to a valid established business relationship between Defendant and Plaintiff and contain compliant opt-out notices.

Respectfully Submitted,

By: /s/ Yesha Hoeppner
Attorney for Defendant

Eric L. Samore
Yesha Hoeppner
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Chicago, Illinois 60601
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CERTIFICATE OF SERVICE

The undersigned certifies that on the 26th day of October, 2018, she caused the foregoing **Defendant DNA DIAGNOSTIC CENTER, INC.’s Motion for Summary Judgment** to be electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record at their email addresses on file with the Court.

[x] Pursuant to 28 USC Section 1746(2), I certify under penalty of perjury that the foregoing is true and correct. Executed on: October 26, 2018.

/s/ Yesha Hoeppner

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